

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:21-cv-00217-MR-WCM

JAMES BRADLEY OWEN,

Plaintiff,

v.

ORDER

CHRISTOPHER M. GOODWIN

*in his individual and official capacities*

*as sheriff's deputy of Henderson*

*County, North Carolina;*

BENJAMIN HAWKINS

*in his individual and official capacities*

*as sheriff's deputy of Henderson*

*County, North Carolina;*

JACOB TIPTON

*in his individual and official capacities*

*as sheriff's deputy of Henderson*

*County, North Carolina;*

NICHOLAS A. NEWELL

*in his individual and official capacities*

*as sheriff's deputy of Henderson*

*County, North Carolina;*

LOWELL S. GRIFFIN

*in his official capacity as Sheriff of*

*Henderson County, North Carolina;*

CHARLES S. MCDONALD

*in his official capacity as former*

*Sheriff of Henderson County,*

*North Carolina;*

HENDERSON COUNTY,

NORTH CAROLINA

Defendants.

This matter is before the court *sua sponte* for case management purposes.

On August 11, 2021, Plaintiff, through his counsel Nicholas White, filed his Complaint. Doc. 1. At the time of the filing of the Complaint, Mr. White was associated with Lindsay Law.

On April 26, 2022, Mr. White filed a Notice of Substitution of Counsel which stated that Mr. White had accepted employment with another law firm, and that Plaintiff had “elected to remain a client of Lindsay Law, thereby declining to have Mr. White continue providing representation through his new firm.” Doc. 25. Therefore, the docket indicates that Mr. White was terminated as counsel of record for Plaintiff on April 26.

On July 27, 2022, the parties filed their Certification of Initial Attorneys Conference. Doc. 31. That filing indicates that Mr. White participated in an initial attorneys’ conference in this matter that same day on behalf of Plaintiff.

On August 1, 2022, an initial pretrial conference was scheduled to be conducted by video on Wednesday, August 10, 2022.

At the appointed time, defense counsel was present. No attorney appeared for Plaintiff, however, and defense counsel’s attempts to reach Mr. Lindsay and Mr. White were unsuccessful. Consequently, the initial pretrial conference did not proceed.

Later on August 10, 2022, the clerk received correspondence from Mr.

White indicating that he had missed the initial pretrial conference due to personal reasons.

In light of the failure of any representative of Plaintiff to appear at the August 10, 2022 initial pretrial conference, the undersigned has considered whether to direct Plaintiff's counsel to show cause why sanctions should not be considered pursuant to Rule 16(f) of the Federal Rules of Civil Procedure. However, the undersigned will, instead, direct that an initial pretrial conference as well as a status conference be set, with at least Mr. Lindsay and Mr. White appearing in person.

**IT IS THEREFORE ORDERED that:**

1. The Clerk is respectfully directed to schedule an in-person initial pretrial conference and status conference.
2. Mr. Lindsay and Mr. White shall both personally attend the conference and should be prepared to discuss the status of Plaintiff's representation.
3. Defense counsel may attend the conference in person or by video.

Signed: August 10, 2022



W. Carleton Metcalf  
United States Magistrate Judge

